IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION No. 24323 of 2004

Between:

Divya Jyothy Gerad D/o G.D.Param Jyothi ..... PETITIONER

AND

1. N.T.R.University of Health Sciences,

A.P., Vijayawada, rep. by its Registrar.

2. The Principal, Dr.Gururaju Government

Homeopathic Medical College, Gudivada,

Krishna district. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not taking any steps pursuant to the representation dated 4.12.2004 as illegal, arbitrary, and consequently direct the respondents to produce the Repertory Subject Answer Sheet of IV year BHMS pertaining to the petitioner before this Court for verification.

Counsel for the Petitioner : Mr.G.V.RAMANA REDDY

Counsel for the Respondents : Dr.Y.PADMAVATHI, STANDING COUNSEL

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for respondents.

The petitioner, in effect, seeks re-valuation of her answer script pertaining to examination in the subject 'Repertory' of BHMS IV year, held in September, 2004.

The grievance of the petitioner is that though she is a meritorious student and had written well B.H.M.S. IV Year examination held in September 2004, she had failed in the subject 'Repertory' allegedly due to some mistake in calculation of marks or valuation by the respondent University. It is also stated that she had made a representation dated 4.12.2004 to the first respondent seeking rectification of the mistake and since there is no response, the present writ petition is filed seeking direction to the respondents to produce her answer script pertaining to examination in the subject 'Repertory' of BHMS IV year, held in September, 2004.

A perusal of material papers reveals that the petitioner has not even produced the official marks memorandum and thus, the petitioner has not approached the University seeking redressal of her grievance, but straightaway rushed to this Court for re-valuation of the answer script. Further, learned counsel for the petitioner has not produced before me any Rules or Regulations of the respondent University, which permit
re-valuation of the answer scripts. In the absence of such provision, this Court in exercise of extraordinary jurisdiction cannot grant the relief sought for by the petitioner. In these circumstances, the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed at the stage of admission. No costs.

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N.V.RAMANA, J

Date: 28.12.2004

DA

To

1. The Registrar, N.T.R.University of Health Sciences, Vijayawada, A.P.

2. The Principal, Dr.Gururaju Government Homeopathic Medical College, Gudivada, Krishna district.

3 Two CD copies.